

Notice of Allowability

Application No.

09/974,554

Examiner

Ellen C. Tran

Applicant(s)

LINDQVIST ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 July 2007 and 17 September 2007.
2. ☒ The allowed claim(s) is/are 29-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 17 Sept. 2007.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ellen Tran
ELLEN TRAN
PATENT
ART 2134
EXAMINER

DETAILED ACTION

1. In response to amendment filed on 26 July 2007 and Examiner Initiated Interview on 17 September 2007. Claims 1-28 and 32 are canceled. Claim 29 has been amended.

Amendments to the claims are accepted.

2. An examiner's amendment to the record is attached. Please enter entire claim set. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The examiner's amendment was authorized by attorney of record Angus R. Gill in phone interview on 17 September 2007 and confirming email sent on 20 September 2007.

Response to Arguments

- 3 Applicant's arguments filed 26 July 2007 have been fully considered and they are persuasive.

Allowable Subject Matter

4. Claims 29, 30, and 31 are allowed.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is

(571) 272-3842. The examiner can normally be reached from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ellen. Tran
Patent Examiner
Technology Center 2134
21 September 2007

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Examiner's Amendment

This listing of the claims will replace all prior versions and listings of the claims in the application:

Listing of Claims:

Claims 1-28 (Canceled)

29. (Currently Amended) A system for the distribution of content over a wireless link using new and existing terrestrial digital video broadcast networks, comprising:

one or more global caster modules, wherein each of the global caster modules receives content to distribute to all locations in a network;

one or more local caster modules, wherein each of the local caster modules receives content to distribute to only certain locations in said network; and

one or more datacast transmission devices associated with at least one of the modules, wherein the network utilizes bandwidth partitioning and allocation to optimize bandwidth by use of the global caster modules and the local caster modules,

wherein the partitioning is based on day-type profiles that are mapped to calendar dates,

wherein blocks are allocated based on bandwidth monitoring periods and deployment period blocks,

wherein a bandwidth monitoring period determines time when free bandwidth is available,

wherein based on the bandwidth available and day-type profiles one or more deployment blocks corresponding to one or more content providers are marked as reserved, and

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wherein one or more assigned identifiers corresponding to one or more of the deployment blocks are forwarded to one or more of the content providers.

30. (Original) The system of claim 29, further comprising:

one or more broker modules, each broker module receiving content from at least one local caster module and at least one global caster module.

31. (Previously Presented) The system of claim 30, wherein:

each of said one or more transmission devices is associated with one or more of said broker modules.

32. (Canceled)

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